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THIRD COMMITTEE
25th meeting
held on
Tuesday, 17 October 2000
at 10 a.m.
New York

SUMMARY RECORD OF THE 25th MEETING

Chairperson:

Ms. GITTENS-JOSEPH

(Trinidad and Tobago)

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 111: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued) (A/55/202, A/55/268)

1. Mr. CONG JUN (China) said that prior to the arrival of colonialists or foreign rulers, indigenous people had lived on their own land generation after generation, and consequently had kept, in whole or in part, their own social, economic and political characteristics. The appropriation of their land through conquest, occupation, colonization or other means had subjected indigenous people to discrimination and oppression. The Chinese people and the Government of China were keenly aware of the plight of indigenous people. It was gratifying that the United Nations, true to its principles, had launched the initiative of the International Decade of the World's Indigenous People. His delegation appreciated the Secretary-General's report on the status of the implementation of the programme of activities of the Decade (A/55/268). The current session of the General Assembly should result in the establishment of a Permanent Forum on Indigenous Issues, which would be a significant move for the promotion and protection of indigenous people's rights on the part of the international community. The proposed Forum, an advisory body that would report to the Economic and Social Council, should pay attention to the special features of the issue of indigenous people, as it would be improper to obscure the distinctions between indigenous people and other minority peoples in terms of race, ethnicity, language and religion. It was to be hoped that the Forum would produce a relatively precise definition of the concept of "indigenous people" before it started its work.

2. The composition of the Forum should be determined on the basis of consultations. His delegation hoped that the President of the Economic and Social Council, when appointing the eight representatives of indigenous people, would heed the views of Member States and indigenous organizations.

3. The Forum was the result of a prolonged struggle by various indigenous peoples. It was to be hoped that it would do solid practical work for them by improving their political, economic and social positions and promoting the realization of their rights. To perform those functions with maximal effectiveness, it should cooperate with other relevant United Nations agencies. His delegation hoped that the Working Group of the Commission on Human Rights on a draft declaration on the rights of indigenous people, the Permanent Forum and the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights would join hands to contribute to the attainment of those several goals.

4. Mr. AGUZZI-DURÁN (Venezuela) said that Venezuela recognized the rights of indigenous people and guaranteed their participation in political life. Indeed, three representatives of indigenous people, elected by their own communities, had sat as members of the Constituent Assembly which had adopted the Constitution of December 1999. That Constitution defined the Venezuelan people as multiethnic and multicultural, and stated expressly that indigenous people were part of the Venezuelan nation, which was one, sovereign and indivisible. An entire section of the Constitution, based on various existing international

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instruments, was devoted to the rights of indigenous people, whose traditional social and political institutions and distinctive sociocultural attributes, such as language and religion, were recognized. The Constitution also stated that it was the duty of the Venezuelan State to promote indigenous people's access to individual or collective property, education and health services, and all other sectors that would help them improve their economic situation and enhance their quality of life.

5. Those Constitutional principles, which were the outcome of a larger human rights promotion process in Venezuela, were to be given substantive expression in the form of an organic law on indigenous people. Under the transitional provisions of the Constitution, the National Assembly was to enact such a law by 2001.

6. Venezuela had become a sponsor of the draft resolution on the establishment of a Permanent Forum on Indigenous Issues, although it would have preferred to see the term "indigenous issues" replaced by "indigenous people" or "indigenous peoples", on the understanding that those terms were used in a sense that was not identical with the sense in which they were used in international law; however, a majority of the Commission on Human Rights had disagreed. His delegation also considered that the eight indigenous representatives who would be members of the Forum should be appointed by indigenous people themselves, rather than by the President of the Economic and Social Council. It was thus to be hoped that the election process would be revised in accordance with paragraph 7 of resolution 2000/87 of the Commission on Human Rights.

7. His delegation was also participating in the preparation of a United Nations draft declaration on the rights of indigenous people, and a draft declaration on the same subject for the Americas. Lastly, International Labour Organization Convention No. 169, concerning Indigenous and Tribal Peoples in Independent Countries, had been submitted to the Venezuelan legislature for approval.

8. Mr. MELENEVSKY (Ukraine) said that the objectives of the programme of activities for the International Decade of the World's Indigenous People were ambitious but realistic. They should be viewed, not only as a present-day solution to some specific problems, but also as an in-depth contribution to the peaceful and harmonious coexistence of nations and the reconciliation of national minorities and ethnic groups. The report of the Secretary-General on the implementation of that programme of activities (A/55/268), providing as it did comprehensive information on the activities of the principal United Nations organizations and specialized bodies, showed that the success of the Decade would depend on cooperation among all the partners concerned. In that connection, the United Nations High Commissioner for Human Rights had played a commendable role in coordinating the activities undertaken in the context of the Decade. The seminar on the draft principles and guidelines for the protection of the heritage of indigenous people, held in Geneva, had been a timely step, and his delegation also welcomed the activity of the Working Group on Indigenous Populations of the Subcommittee on the Promotion and Protection of Human Rights in seeking peaceful and constructive solutions to the problems of indigenous people. The development of dialogue between indigenous people and Governments

and between different indigenous peoples was of the utmost importance as a means of preventing confrontation.

9. His delegation welcomed the Economic and Social Council's decision to establish a Permanent Forum on Indigenous Issues, to be composed of representatives of both Governments and indigenous people. Concerning the draft declaration on the rights of indigenous people that was being prepared by a Working Group of the Commission on Human Rights, the most recent report (E/CN.4/2000/84) showed that consensus had not yet been reached on a number of principles. It was worth reiterating that the classification of ethnic groups was necessary in order to facilitate the implementation of national policies in the field of the protection of the rights of persons belonging to national minorities and indigenous people. In that connection, his delegation supported the proposal of the Working Group to the effect that the use of the expression "indigenous people" or "indigenous peoples" in the draft declaration should have no implications regarding the right of self-determination or any other rights. In view of the sensitivity of the issue, however, his delegation strongly believed that the declaration should include provisions strictly prohibiting any actions designed to impair the territorial integrity or political unity and stability of sovereign States. The Working Group would undoubtedly benefit by avoiding the excessive politicization of its work; the goal, after all, was the elaboration of a universal, viable and effective international instrument.

10. The reason why Ukraine attached such importance to the issue was that it was directly concerned: the Government was facing the task of ensuring that the indigenous people who had been forcibly deported 50 years earlier, together with their descendants, could return to the country without infringing the rights of other residents. Since its independence, Ukraine had consistently safeguarded the rights of its indigenous peoples, national groups and citizens which had been disrupted by the former regime's policy of colonialism, ethnic-based suppression and repression. Contemporary legislation, in contrast, was designed to foster the free development of all citizens without discrimination on the basis of ethnic origin, religion, language or culture. Some difficulties remained, to be sure, notably in the matter of the resettlement of repatriated persons in the Crimea. However, it was to be hoped that the Consultative Council of Crimean Tatars, a recently created body under the authority of the President of Ukraine, would contribute to the elimination of obstacles and the search for solutions. Invaluable assistance in that connection had been rendered by international organizations and individuals, including, in particular, the United Nations High Commissioner for Refugees, the International Organization for Migration, and the Organization for Security and Cooperation in Europe.

11. Mr. MAQUIEIRA (Chile) said that his delegation supported the draft resolution of the Economic and Social Council on the establishment of a Permanent Forum on Indigenous Issues. Chile was committed to bringing its domestic legislation into line with international standards, and to that end Convention No. 169 of the International Labour Organization, concerning Indigenous and Tribal Peoples in Independent Countries, had been submitted to Parliament for ratification, and Constitutional recognition had been granted to the country's indigenous people. Moreover, the Government was engaged in dialogue with representatives of those people with a view to putting an end to

discrimination and promoting genuine equality of opportunity and respect for cultural diversity. Substantial progress had been made, notably as a result of a Law on Indigenous People which had been enacted in 1993. The main objective of the law in question was to strengthen the identity of indigenous people and promote the coexistence of various social groups and respect for their differences through the establishment of a National Assembly for the Development of Indigenous People with eight indigenous advisors among its members. Those same indigenous advisors, moreover, would be part of the Chilean delegation at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the preliminary Regional Preparatory Meeting for the Americas. In addition, a special plan for the development of indigenous people had been prepared. The plan was expected to generate an array of measures aimed at settling the dispute over land ownership.

12. The Government of the new President of Chile, building on progress previously made in advancing the cause of indigenous people, had invited indigenous organizations, business firms, churches and public agencies to sit down together and work out without delay an action plan that would serve to enhance public efforts to that end and lay the groundwork for a new social covenant. Five committees had been established to tackle different aspects of the task; after evaluating the situation and preparing a summary of achievements to date, they had issued a number of short-term recommendations and had considered the terms and conditions that should govern the longer-term objectives of establishing a Historical Truth Commission or concluding a new covenant. The Government also intended to prepare sector-by-sector agendas on indigenous issues and convene a new Commission that would be responsible for determining the causes of social and cultural discrimination and proposing measures designed to acknowledge and make amends for past injustices suffered by indigenous people.

13. Mr. SIMÓN-PADROS (Argentina) said that his delegation welcomed the establishment of a Permanent Forum on Indigenous Issues, and that it would continue to follow closely the work of the Working Group of the Commission on Human Rights on a draft declaration on the rights of indigenous people. The indigenous fellowship programme established by the Office of the High Commissioner for Human Rights was admirable, as was the collaboration between it and the Institute of Human Rights of the University of Deusto at Bilbao, Spain. Several persons from Latin America, including some from Argentina, had been awarded fellowships under the programme.

14. The 16 ethnic groups comprising the indigenous community in Argentina accounted for 1.5 per cent of the country's population. The Government considered that their contribution to Argentina's cultural heritage amounted to nothing less than a national treasure. The constitutional reform of 1994 had clearly recognized the diversity and the ethnic and cultural pre-existence of the indigenous people, and had enshrined their legal personality, the collective ownership of their land, the transmission of their knowledge in the framework of a bilingual and intercultural education, the preservation of their heritage, and their participation in the management of the natural resources of the areas where they lived. The Government of Argentina fully accepted the obligation incumbent upon it to guarantee the unrestricted enjoyment of those rights. The National Institute for Indigenous Affairs, in particular, was entrusted with the

responsibility of regularizing property titles with a view to the distribution of land and the implementation of plans relating to housing and the environment.

15. In the area of education, the Government was promoting intercultural bilingualism, and since 1993 it had been implementing special programmes aimed at enhancing the dissemination of education consistent with the cultural principles characteristic of the various communities. The National Institute for Indigenous Affairs, for example, provided scholarships to enable indigenous people to attend secondary schools and universities. In addition, all scholarship students enrolled at a secondary school were assigned a tutor who accompanied them in their studies, developed strategies to combat discrimination, and implemented intercultural activities and programmes in the school setting. In a framework of more general strategies aimed at supporting young indigenous leaders, the tutors participated in a training programme that the Institute had developed for scholarship students attending universities and community leaders. Furthermore, the Institute was currently organizing skills development workshops in the field of indigenous people's rights; the workshops would be held in three towns in the provinces of La Pampa, Santa Fe and Chubut.

16. The Government was particularly concerned to associate indigenous people with the management of their interests. For example, indigenous people designated their own international representatives, who were elected by the Council of Indigenous People of Argentina.

17. On 3 July 2000, the Government of Argentina had deposited with the International Labour Organization (ILO) its instrument of ratification of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Convention would enter into force in Argentina on 3 July 2001.

18. It was to be hoped that the Working Group of the Commission on Human Rights on a draft declaration on the rights of indigenous people would make substantial progress at its meeting in November 2000.

19. Mr. COIMBRA (Brazil) said that one of the defining characteristics of the Brazilian population was a profound ethnic, racial and cultural fusion. The country's Constitution guaranteed the rights of indigenous people, including their right to the land they traditionally occupied. There were currently 561 indigenous areas, comprising over 900,000 square kilometres, and the Government was striving to prevent invasions of those lands and to provide indigenous communities with adequate access to education and health. Those efforts, in conjunction with those of various national authorities, non-governmental organizations and other associations, were serving to promote cultural interaction. While there were still some indigenous groups that were largely isolated from the outside world, it was significant that the birth rate of the Brazilian indigenous population was higher than the national average.

20. Brazil attached great importance to education, which was one of the priorities of the International Decade of the World's Indigenous People, and also to respect for its indigenous people's socio-cultural identity. Both concerns were addressed by indigenous schools, of which there were currently 1,440. Efforts to empower the indigenous population, another major objective of the Decade, had been pursued to good effect: the number of organizations

legally constituted by Brazilian Indians had increased from nine in 1987 to 290 in 1999. Moreover, indigenous people were increasingly participating in political activities, as had been apparent at the recent municipal elections. The relevant activities and programmes being developed within the framework of the Decade had been outlined in the Secretary-General's reports on the status of the United Nations Voluntary Fund for Indigenous Populations (A/55/202) and on the implementation of the programme of activities for the Decade (A/55/268), as well as in the introductory statement by the representative of the Office of the United Nations High Commissioner for Human Rights. His delegation appealed to international organizations, Governments and private donors to take appropriate action to contribute to those activities and programmes and thereby help to meet the objectives of the Decade.

21. His delegation welcomed the prospect of a declaration on the rights of indigenous people, but remained convinced that such an instrument must be universal in scope and should not fail to cover the rights of indigenous people living in all parts of the world. His delegation supported the various international efforts that had been undertaken on behalf of indigenous people, notably the decision by the Economic and Social Council in July 2000 to establish a Permanent Forum on Indigenous Issues. Brazil itself was actively engaged in the drafting of an Inter-American declaration on the rights of indigenous people.

22. Mr. LESLIE (Belize), speaking on behalf of the 14 States Members of the Caribbean Community (CARICOM), thanked those who had supported the United Nations Voluntary Fund for Indigenous Populations, and encouraged donors to respond to the calls for support issued by the General Assembly, in its resolution 54/150, and by the Commission on Human Rights, in its resolution 2000/56.

23. The States Members of CARICOM had also noted the action taken by the High Commissioner for Human Rights, as coordinator of the International Decade of the World's Indigenous People, to follow up on a recommendation of the Subcommission on the Promotion and Protection of Human Rights asking him to muster financial contributions to the United Nations Trust Fund for the Decade.

24. The States Members of CARICOM continued to pay keen attention to the work being undertaken by the Working Group of the Commission on Human Rights on a draft declaration on the rights of indigenous people. A seminar held earlier in the year had been valuable in that connection, as it had brought together experts from indigenous peoples, United Nations agencies, Governments and academic institutions for the purpose of reviewing the draft principles and guidelines for the protection of the heritage of indigenous people, prepared by the Special Rapporteur.

25. Education was of critical importance for the future of indigenous people, and accordingly CARICOM commended the Office of the High Commissioner for Human Rights, as well as other United Nations agencies and non-governmental organizations, for their efforts on behalf of the indigenous fellowship programme.

26. The Government of Belize, for its part, had recently signed an historic agreement with representatives of the Maya peoples of southern Belize, recognizing their rights to lands and resources based on long-standing use and occupancy. Working in close consultation with the Maya and other communities in southern Belize, the Government had developed a draft regional development plan for that area, and the Inter-American Development Bank stood ready to provide funding. Offers of assistance from other institutions and Governments would be welcome.

27. Another positive measure had been the decision of the Economic and Social Council to establish a Permanent Forum on Indigenous Issues.

28. The States Members of CARICOM were prepared to contribute to the special session of the General Assembly that would be convened in 2001 for follow-up to the World Summit for Children, and to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

29. Mr. CARRANZA (Guatemala) said that the Economic and Social Council's decision, by resolution 2000/22, to establish a Permanent Forum on Indigenous Issues might be regarded as one of the most significant achievements of the International Decade of Indigenous People. Certainly it had particular resonance for Guatemala, in view of the prominent position of the agreement on recognition of the identity and rights of indigenous peoples in the comprehensive settlement that had restored peace to the country. His delegation had participated actively in all consultations relating to the draft declaration on the rights of indigenous people, and considered that the new Forum might make a useful contribution to the preparation of the declaration.

30. Some delegations had expressed the view that in view of the establishment of the Permanent Forum, there was no further need for the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights. His own delegation was inclined to agree, on the condition that provision was made for a transition period during which the effectiveness of the Forum could be assessed before the Working Group was dissolved.

31. The question of the Permanent Forum's position within the Economic and Social Council also remained to be settled. According to the resolution of the Commission on Human Rights (2000/87), the Forum was to be "an advisory body with a mandate to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights." His delegation inferred that the Forum's mandate would not be limited to human rights exclusively.

32. In Guatemala, the agreement on recognition of the identity and rights of indigenous peoples continued to guide the Government's action in that area. Unfortunately, the resources at the Government's disposal were not commensurate with its political will. The Ministry of Education, for example, had initiated consultations with 331 municipalities on an educational reform plan emphasizing cultural interaction and bilingualism, but was finding it difficult to complete the consultation process for want of the necessary funds.

33. Moreover, a number of ministries were currently developing pilot projects for decentralization based on new paradigms of social participation, notably in the fields of health and education.

34. The Government's efforts to open the upper ranks of the civil service to indigenous persons had been illustrated by the appointment of a prominent Maya to the post of Minister of Culture and Sport. Similarly, a section on candidates' knowledge of indigenous languages, in addition to Spanish, had been added to the recruiting forms used in the judicial branch.

35. The institution of an agency for the advancement of the rights of indigenous women had been a major stride forward in the implementation of the peace settlement. In its first five months, the agency had held meetings with the country's 24 language communities with a view to the formation of an advisory council, which had subsequently been established. The agency's mandate included, in particular, the provision of legal and social assistance for indigenous women who had been subjected to violence, discrimination, or other violations of their rights.

36. The terms of the peace settlement would continue to serve as the Government's indispensable frame of reference in its efforts to combat social exclusion, which for too long had been one of the main causes of the underdevelopment of Guatemala's indigenous communities.

37. Ms. SIDDHART (International Labour Organization (ILO)) said that for over 70 years ILO had worked to protect and promote the rights of indigenous and tribal people. To that end, it had participated in various activities, most recently the Preparatory Indigenous Consultation for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Organization also supported resolution 2000/22 of the Economic and Social Council on the establishment of a permanent forum on indigenous issues.

38. Moreover, ILO had adopted Convention No. 107 of 1957, concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, and Convention No. 169 of 1989, concerning Indigenous and Tribal Peoples in Independent Countries, which revised Convention No. 107. Convention No. 107 was closed for ratification, but the Organization urged the widespread ratification of Convention No. 169, which had already been ratified by 14 countries. The Convention strongly influenced policy development, as, for example, in relation to the draft Inter-American Instrument on Indigenous Peoples. The ILO committee of 20 independent high-level experts on the application of conventions and recommendations had described Convention No. 169 as "the most comprehensive instrument of international law for the protection ... of the right of indigenous and tribal peoples to preserve their own laws and customs." As the committee had observed, one of the Convention's fundamental precepts was that "a relationship of respect should be established between indigenous and tribal peoples in the States in which they live, a notion which should not be confused with autonomy, or political and territorial independence."

39. ILO had initiated a number of technical cooperation activities within the framework of the International Decade of the World's Indigenous People with a

view to increasing awareness of their situation and promoting improvement in their living and working conditions. An example was a project on the promotion of ILO policy on indigenous and tribal peoples which had been established in 1996. Its main emphasis was on Africa, South Asia and South-East Asia, but some complementary work was being done in South and Central America as well. Another example was an indigenous-to-indigenous exchange programme, launched in August 1999 in response to the request of many indigenous groups. The aim of the programme was to examine and learn from different ways of life, traditions, customs and cultures, and to facilitate coordination and information exchange between indigenous people. The training schedule extended to such diverse fields as education and primary health care, culture, food security and sustainable agricultural practices, the environment, land rights, human rights and the role of women in development. National policy workshops were held to address the issues of the legal and practical implications of Constitutional provisions related to indigenous and tribal people, and to increase cooperation between Government officials, national and international organizations, and indigenous peoples themselves, within the framework of Convention No. 169.

40. The concept of "decent work" was one that rested on the four pillars of creating jobs, securing fundamental rights at work, enhancing social protection and promoting social dialogue. It drew on the diversity of societies, and it involved values that did not have a market price, such as environmental, cultural and security concerns, and such fundamental principles as freedom, knowledge and identity, while goals were set within a shared understanding of development.

41. Ms. FLEMING (World Bank) said that indigenous peoples had historically been the poorest and most excluded population groups in many parts of the world; they had faced discrimination of all kinds, and had not had the same access to basic social services as the non-indigenous population. Yet change had been taking place for some time: indigenous people currently had greater access to education, national and international legislation had been changed to accommodate their rights, numerous indigenous organizations had emerged, and growing support from national Governments and the international donor community had been forthcoming. In that context, the decision by the Economic and Social Council to establish a permanent forum on indigenous issues was altogether praiseworthy.

42. In recent years, the Bank had arrived at a better understanding of development, particularly with regard to the need to focus on poverty eradication, the central role of participation at all levels in creating sustainable societies, and the role of culture in development. In the process, its perception of the role of indigenous people in society had undergone a change: it had come to realize that to address only their needs as marginalized members of society was no longer enough; their wisdom, culture and world vision must also be taken into account. Consequently, indigenous people must be included as culturally distinct actors in national and global development processes.

43. The Bank had been the first multilateral financial institution to introduce a special policy for the treatment of indigenous or tribal peoples in development projects, with the object of ensuring that Bank-financed projects

did not adversely impact them, but, rather, provided them with culturally compatible social and economic benefits. In that connection, the Bank's revised policy on indigenous peoples was approaching completion, and world-wide consultations on it would shortly be undertaken.

44. The Bank's Indigenous Peoples Programme was designed to be based on a long-term perspective. The programme's aims were to strengthen the technical capacity for self-managed sustainable development of indigenous leaders and their organizations, to create a learning partnership among indigenous organizations, national Governments and international donor agencies, and to finance operations in education, health, rural development, natural resource management, biodiversity conservation and cultural heritage. The Bank had played an important role in supporting a capacity-building process among indigenous organizations, creating dialogue with Governments about their indigenous policies and programmes, and cooperating with other agencies such as the International Labour Organization, the International Fund for Agricultural Development, the Inter-American Development Bank and the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean. The Bank's Indigenous Knowledge for Development Initiative, which had been launched in partnership with the International Telecommunication Union, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Intellectual Property Organization and other organizations, was working to disseminate information through a database of indigenous knowledge practices and lessons learned. The Initiative had had a useful impact in, for example, approaching the issue of HIV/AIDS in Africa by using the knowledge of traditional medical experts and village elders.

The meeting rose at 11.30 a.m.



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Third Committee

Summary record of the 26th meeting

Held at Headquarters, New York, on Wednesday, 18 October 2000, at 10 a.m.

Chairperson: Ms. Gittens-Joseph (Trinidad and Tobago)

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Agenda item 112: Elimination of racism and racial discrimination*

Agenda item 113: Right of peoples to self-determination*

Organization of work

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- * Items which the Committee had decided to consider together.

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The meeting was called to order at 10:10 a.m.

Agenda item 112: Elimination of racism and racial discrimination (A/55/18* and Add.1*, A/55/203, A/55/266, A/55/285, A/55/304, A/55/307 and A/55/459)

Agenda item 113: Right of peoples to self-determination (A/55/176 and Add.1 and A/55/334)

1. **Mr. Singh** (Executive Coordinator for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Office of the High Commissioner for Human Rights), introducing item 112, said that his statement would deal with two categories of documentation. The first concerned the World Conference and the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. The second concerned the Committee on the Elimination of Racial Discrimination.

2. Regarding the first subject, he recalled that the General Assembly, in its resolution 52/111 of 12 December 1997, had decided to hold a world conference against racism in 2001. The World Conference would offer an exceptional opportunity to examine a wide range of issues of the utmost relevance today, including ethnic cleansing, the emergence of contemporary forms of slavery, traffic in humans, discrimination against minorities, migrant workers, indigenous peoples and refugees, the preservation of cultural identity in multi-cultural societies, racism on the Internet, and new and more subtle forms of racism.

3. As part of the preparations for the World Conference, five regional expert seminars had been scheduled, four of which had already been held. The fifth would be held from 25 to 27 October 2000 in Santiago, Chile. Four regional intergovernmental meetings had also been planned. The European group had met for three days in Strasbourg at the beginning of October 2000 and had adopted a declaration as well as general conclusions. The regional meeting for Latin America and the Caribbean would take place from 5 to 7 December 2000 in Santiago, Chile. The African regional meeting would be held from 22 to 24 January 2001 in Dakar, and the Asian regional meeting would be convened from 19 to 21 February 2001 in Tehran.

4. Taking into account the results of the regional expert seminars and the regional preparatory meetings as well as written submissions from some Member States, non-governmental organizations, intergovernmental organizations, national institutions and various United Nations bodies, the Office of the High Commissioner for Human Rights planned to submit, to an inter-sessional open-ended working group scheduled to be held in Geneva from 15 to 19 January 2001, an outline of a draft declaration and programme of action. At its second session, to be held in Geneva from 21 May to 1 June 2001, the Preparatory Committee would consider and revise the final drafts of those documents for submission to the World Conference.

5. However, to make the World Conference a substantive, concrete event, the High Commissioner for Human Rights, acting as the Secretary-General of the Conference, would need the support of the Third Committee in order to mobilize extrabudgetary funding. Approximately \$4 million had been raised during 2000 for Conference-related activities. The High Commissioner sought to raise another \$6 million for that purpose in her annual appeal for 2001. The appeal covered travel for a number of human-rights experts, as well as representatives of non-governmental organizations, least developed countries, national institutions, treaty bodies and other human-rights mechanisms, to the regional preparatory meetings and the World Conference itself.

6. The High Commissioner was also seeking the Third Committee's support in generating a favourable climate to ensure the success of the Conference. On her own initiative, she had proposed a declaration entitled "Tolerance and Diversity: A Vision for the 21st Century", to be signed by heads of State or Government in order to raise their awareness of the forthcoming Conference. More than 60 heads of State or Government had signed the Declaration during the Millennium Summit or soon thereafter. Of course, that Declaration did not in any way replace the declaration and programme of action to be adopted by the Conference after being negotiated in the coming months.

7. Introducing the report of the Commission on Human Rights acting as the preparatory committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/55/307), he noted that, in its decision PC.1/9, the

* To be issued

Preparatory Committee recommended the establishment by the General Assembly of an inter-sessional open-ended working group to meet in Geneva for five working days at the end of January 2001, and further recommended that the General Assembly should authorize it to extend its second session, in May 2001, by five additional working days. Both of those recommendations had programme-budget implications which would be considered by the Fifth Committee.

8. He then introduced the report of the Secretary-General on the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and implementation of the Programme of Action for the Third Decade to Combat Racism (A/55/285).

9. Turning to the second subject covered by his introductory statement, he said that the Third Committee had before it three documents concerning the Committee on the Elimination of Racial Discrimination. The first was the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/55/203), which indicated that Liechtenstein had acceded to the Convention during the past 12 months, bringing the total number of States parties to 156. In addition, the former Yugoslav Republic of Macedonia and Portugal had made the declaration under article 14 of the Convention which allowed communications from individuals claiming to be victims of racial discrimination. The fact that only 30 States parties had made the declaration under article 14 explained to some extent the limited recourse had to that procedure.

10. The second document concerning the Committee on the Elimination of Racial Discrimination was its report on its fifty-sixth and fifty-seventh sessions (A/55/18 and Add.1). The Committee had devoted most of the two sessions to the consideration of 24 reports submitted by States parties under article 9 of the Convention. It had also adopted opinions on three individual complaints under article 14 of the Convention.

11. The Committee had adopted a general recommendation on discrimination against Roma (also known as Gypsies), in which it had recommended the adoption by States parties of a number of measures in the fields of education, media, participation in public office, protection against racial violence and

improvement of the living conditions of the Roma population.

12. In another general recommendation, the Committee had expressed its view that the competent authorities should envisage the principle of awarding financial compensation for harm suffered by the victims of racial discrimination, in addition to punishment of the perpetrators.

13. A third recommendation concerned the gender-related dimensions of racial discrimination. The Committee intended to request States parties to describe, in their reports, factors and difficulties that prevented women from enjoying, on an equal footing with men, the rights embodied in the International Convention on the Elimination of All Forms of Racial Discrimination.

14. The Committee had again adopted a decision requesting the General Assembly to take measures that would allow it to hold its fifty-eighth session at United Nations Headquarters in New York in January 2001. The programme-budget implications of that decision were contained in addendum 1 to the Committee's report.

15. Introducing the report of the Secretary-General concerning the financial situation of the Committee on the Elimination of Racial Discrimination (A/55/266), he recalled that, in conformity with the amendment to article 8 of the Convention, adopted by the States parties at their Fourteenth Meeting in January 1992 and endorsed by the General Assembly in its resolution 47/111, the Secretary-General had taken appropriate measures so that the Committee was financed by the regular budget of the United Nations starting with the biennium 1994-1995.

16. That amendment of the Convention would take effect when it had been accepted by a two-thirds majority of the States parties. To date, however, only 26 States parties had approved it. He also pointed out that a number of States parties were still in arrears from the non-payment of previous assessments for the period prior to 1994, and the list of such States and the amounts owed were contained in an annex to that report.

17. **Mr. Bernales Ballesteros** (Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries) said that his introductory statement would deal with the main points in his report

(A/55/334), which he was submitting to the General Assembly pursuant to resolution 54/151. In his report, he had sought to classify and analyse the activities of mercenaries of which he had become aware during the exercise of his mandate, with a view to proposing to the General Assembly a more precise legal definition of mercenaries and of the nature and scope of their activities. Paragraphs 32-41 of the report were devoted to that definition. He regretted, however, that the expert meeting provided for in the General Assembly resolution and for which funds had been earmarked had not yet been held. The explanations he had been given by the Office of the High Commissioner for Human Rights concerning that delay had seemed unsatisfactory. He therefore urged that those whom the General Assembly had entrusted with organizing the expert meeting should fulfil that obligation.

18. On the other hand, he had benefited from the replies received from a number of States to the questionnaire he had sent them. All the replies agreed in viewing mercenary activities as a threat to the right of peoples to self-determination and sovereignty, while mercenaries, by the very nature of their subversive activities, were a threat to human life, peace, political stability and the natural resources of the countries where they intervened. The legal definition of mercenaries which emerged from those responses was that of delinquents, whereas their activities were described as generic crimes against the right of peoples to self-determination, sovereignty, peace and human rights, without prejudice to a more precise description of the criminal act itself.

19. Another important factor which emerged from the replies from States was that there were no criteria for distinguishing between prohibited mercenary activities and those which were authorized or tolerated, nor between public, private and clandestine mercenary activities. There could be no justification and no circumstance in which a State was free to authorize, favour or participate in any way in an activity in which the mercenary element was present. From the legal standpoint, it followed that, under international law, mercenary activities were prohibited in all forms.

20. The same unanimity prevailed with regard to private enterprises offering military security services on the international market. It was not a matter of banning those enterprises or providing for the State to have an absolute monopoly of security questions, but rather of regulating and monitoring their activities in

such a way as to prevent them from being involved in armed conflicts.

21. Thus, the replies from States and his own observations led to a definition of mercenary activities as professional services entrusted, for payment, with the hiring of the services of personnel with military competence ready to intervene in the affairs of a third country, whether there was an armed conflict in progress there, or whether certain interests wanted to destabilize it. Thus the concept of mercenary activities seemed to be linked with the right of peoples to self-determination, which remained the historical point of departure of that illicit activity.

22. The investigations he had carried out also led to the theory that recourse to such professional services extended towards illicit activities such as arms and drug trafficking, terrorism, acts of destabilization of legitimate Governments and the diversion of natural resources. To that could be added the agreements signed by certain Governments, in violation of their Constitution, with a view to subcontracting the surveillance of their territory and the maintenance of order and internal security to private military-security enterprises which employed mercenaries.

23. However, none of the new forms assumed by mercenary activities were covered by article 47 of Additional Protocol 1 to the Geneva Conventions. The revised legal definition of mercenaries should therefore be broad enough to cover the whole range of offences to which mercenary activities could give rise.

24. It was also necessary to re-examine the notion whereby the nationals of a country could not be considered mercenaries in their own country. Otherwise, the very fact of entrusting nationals of a country with carrying out an incursion into that country would suffice to prevent the incursion from being defined as a mercenary enterprise, even if it otherwise embodied all the characteristics of one. The recourse to nationals could be no more than a subterfuge aimed at preventing such persons from being described as mercenaries, even if the mercenary character of the operation was obvious. Furthermore, the nationals of a country who accepted that kind of paid relationship knew full well that they were thereby being made into mercenaries. Thus, it was the nature and final objective of the act which should lie at the heart of the legal definition, whereas the question of nationality of the agent should be dropped.

25. Whatever their origin, mercenaries constituted a threat to the peoples who were the victims of their actions. Any revision of the legal definition of the concept of mercenary should ensure that criminal responsibility rested not only with the mercenaries themselves, but also with persons who recruited, trained, financed and used them and who had conceived the criminal act to be carried out. In that regard, he disagreed with those who claimed that mercenary activities were of a marginal nature and did not justify such constant attention from the Third Committee. Such tolerance with regard to mercenarism ignored the reality experienced by the people who had been victims of their acts of aggression and belittled the grievous consequences of tolerating such activities.

26. In addition to those analytical considerations concerning the legal definition of mercenarism, the report (A/55/334) contained a number of other elements which had engaged his attention. Thus, mercenary activities in various African countries affected by internal conflicts were the subject of paragraphs 26-31 of the report. Africa was, in fact, the continent where mercenarism was the most persistent and caused the most grievous harm. The political instability and the natural resources of certain countries, by exciting the greed of foreign interests which had allies in the interior of the country, lay at the origin of the numerous armed conflicts in that continent. He was referring in particular to Angola, the Democratic Republic of the Congo and Sierra Leone.

27. The report also contained information on the action he had taken regarding the attacks committed by mercenaries against Cuba several years earlier, resulting in some victims, damage to tourist installations and considerable harm to the country's economy. He had visited Cuba in September 1999 to ascertain the situation at first hand. He had reported on that mission in his report (E/CN.4/2000/14 and Corr.1), which he had submitted to the Commission on Human Rights at its fifty-sixth session. He once again expressed his gratitude to the Cuban authorities for their invitation and for their cooperation extended to him throughout his visit.

28. It was amply clear from the testimony he had gathered, from his visit to the premises damaged by the explosions, from his interviews with the victims and with the accused, and from the documentary proof submitted to him that those actions, premeditated, financed and directed from abroad, had undermined the

self-determination of a Member State and had struck a blow at the lives and physical integrity of its citizens, as well as causing serious economic harm.

29. Following his visit to Cuba, he had addressed communications to the countries whose territories had been utilized by the individuals and organizations that, in violation of international law and their own national legislation, had planned and directed, according to the available evidence, a number of criminal acts which must not remain unpunished. He had received replies from the Governments of El Salvador and the United States of America in which they condemned that mercenary enterprise, declared their readiness to investigate the persons and organizations domiciled in their territory that might be directly or indirectly involved in the criminal acts in question, and to coordinate their activities with the Cuban authorities.

30. He thanked them for their replies and for their goodwill. He intended to request an invitation from the Governments of El Salvador, Guatemala and the United States with a view to supplementing the information which he had on the acts which had prompted his official visit to Cuba, and to ensuring that acts contrary to the right of peoples to self-determination did not go unpunished.

31. He wished once again to invite Member States to accede to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly in resolution 44/34 of 4 December 1989. He pointed out that the accession or ratification of only two more States would enable the Convention to enter into force.

32. **Mr. Glèlè-Ahanhanzo** (Special Rapporteur of the Commission of Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that, with the approach in 2001 of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and with the recent deplorable persecution of blacks in the Libyan Arab Jamahiriya, he wished once again to call attention to acts, practices and ideologies which threatened the fundamental values of human rights.

33. In his latest report to the General Assembly (A/55/304) he had highlighted the activities of political parties inspired by racism or xenophobia and neo-Nazi movements. He had also broached the question of racist propaganda on the Internet, as well as measures

taken by Governments and members of civil society seeking to counter the expansion of racism.

34. Violent manifestations of racism, racial discrimination, xenophobia and anti-Semitism, which had been on a downward trend since 1997, had recently surged alarmingly in certain countries. Racism and xenophobia also persisted in subtle forms in the daily life of several countries. Moreover, there was a disquieting growth of ethnocentrism and political exploitation of ethnicity in various regions of the world, especially in Africa (Great Lakes region) and in Asia (Indonesia). Far-right, neo-Nazi and skinhead organizations were remobilizing and resorting to violent actions, such as acts of aggression against foreigners and people of a different colour, or were desecrating Jewish cemeteries and monuments.

35. During July and August 2000, the international press had noted the resurgence of racist and xenophobic acts of violence in Germany. Most shocking to international public opinion had been the 27 July attack at the Düsseldorf railway station, in which 10 immigrants from the former Soviet Union, including six Jews, had been wounded. That attack had outraged and mobilized the whole country, which had been surprised at the resurgence and violence of far-right and skinhead groups thought to be dying out.

36. In Austria, the Freedom Party, notoriously xenophobic and racist, had recently come to power. The European Union, after sending a delegation of "wise men" to investigate the human-rights situation in Austria since the forming of the new Government, had decided in September 2000 to lift the sanctions it had adopted. That in no way prevented the international community from continuing to exercise vigilance. Moreover, an inquiry conducted in Austria by the International Federation of Human Rights Leagues had denounced the xenophobic practices of the Austrian police, especially with regard to Africans.

37. He had also examined allegations of racism against certain whites in Zimbabwe and had called it to the attention of the Government of that country. In the Government's view, the acts of violence which had caused casualties among certain white farmers and the murder of four of them between February and May 2000 were not racist acts, but rather stemmed from the slow pace of the agrarian reform since decolonization and the impatience of war veterans with regard to the unfair land distribution. The Government had indicated

that those demonstrations had also targeted black-owned farms, and that investigations were being carried out in order to find those guilty of acts of violence and to bring them to justice. The Zimbabwean Government had undertaken to inform him of the results of the investigations and of the verdicts reached in their trials.

38. As to the Internet, racist organizations continued to find it an ideal means of disseminating their racist and xenophobic messages, inciting to racial hatred and selling Nazi objects. It was very encouraging that, in the case of France, the courts had reacted to that situation and, following complaints filed by several anti-racist organizations, had ordered the Yahoo! company to block access from France to its web site located in the United States, where such transactions were not prohibited. It was to be hoped that such actions would gain widespread acceptance, thereby enabling that insidious activity to be curbed.

39. The visit which he had been scheduled to pay to Australia had been cancelled by the Australian Government without any explanation having been provided to date. He would continue to give sustained attention to the situation of the Aboriginals of Australia, especially with regard to measures for rehabilitation of the "lost generation", his relations with the justice system, and access to land.

40. He was pleased with the impact of his mission to Eastern Europe devoted to the situation of the Roma in the Czech Republic, Romania and Hungary. On 15 September 2000, during a special session of the Committee on the Elimination of Racial Discrimination devoted to the situation of the Roma, he had been able to describe his experience with regard to the racial discrimination directed against the Roma in education, housing and access to employment and public places.

41. An example of the constructive measures taken by Governments was the action plan against racial discrimination instituted by the French Government. A study group on discrimination had been created in April 1999 to observe and analyse manifestations of discrimination in all areas of society. Moreover, a commission on access to citizenship had been set up in January 1999 in each prefecture. Their main purpose, aside from uncovering acts of racial discrimination, was to help children of immigrants find a job and a place in society and to eliminate the discrimination

which they suffered in hiring, housing and recreation. Lastly, efforts to combat ordinary, everyday racial discrimination had been reinforced by the introduction of a free telephone number, "green number 114 against discrimination", in service since 16 May 2000.

42. With regard to Europe in general, on 6 June 2000 the Ministers of Labour and Social Affairs of the European Union, meeting in Luxembourg, had approved a directive aimed at combating all forms of discrimination based on race or ethnic origin. That anti-racist directive covered not just employment but all aspects of everyday life, from schools to transportation to social welfare. What was new about the directive was that it favoured the complainant. It shifted the burden of proof from just the complainant to the company (or other institution) accused in the complaint as well, as the laws of many countries still required the complainant to provide evidence to substantiate the complaint.

43. Turning to the action taken by civil society, he noted that, in Germany, following the Düsseldorf attack, the Government and non-governmental organizations had signed a "pact" to mobilize citizens against the far right. A number of trade unions and professional organizations had also mobilized against the resurgence of racism and xenophobia. The League of German Industry advocated dismissing employees who disturbed the peace of a company by behaviour harmful to others.

44. In France, on the night of 17/18 March 2000, the organization SOS-Racisme had carried out an operation to identify nightclubs which practised racial discrimination, so as to gather the evidence with which to take court action. Members of the organization, in some cases accompanied by a bailiff, had visited 88 clubs in 20 major cities. In each case, three couples, one white, one black and one North African, had sought admission to a given discotheque. Discriminatory practices had been observed in 60 per cent of the Parisian clubs visited. In total, blatant racial discrimination had been observed at the entrance to 45 of the 88 nightclubs visited. Moreover, an Internet site called I CARE (Internet Centre Anti-Racism Europe, www.icare.to), set up by the Magenta Foundation (Netherlands) and the European non-governmental organization United for Intercultural Action, constituted another initiative worthy of interest. Its aim was to coordinate the activities of over 1,500 anti-racist organizations in more than 108 countries.

45. The sporadic manifestations of racist violence which he had just described, although somewhat limited, warranted reaction on the part of the international community since they constituted a strong signal given by racist organizations which thereby wished to proclaim their implacable refusal to accept others.

46. In order to give full meaning to the 2001 World Conference against Racism, he wished to invite States which had not yet done so to ratify the Convention on Racial Discrimination and to create national institutions for human rights with particular emphasis on the fight against racial discrimination. He urged States which already had national human-rights commissions to include the dimension of discrimination and xenophobia in their programmes. Lastly, he called on non-governmental organizations to become involved in the preparations for the World Conference in order to make it a great success.

47. **Ms. El-Hasasi** (Libyan Arab Jamahiriya) commended the Special Rapporteur on the question of the use of mercenaries for the analysis he provided in his report (A/55/334) of the activities of mercenaries in Cuba. That country had for long been suffering from the political interference of other States, and the Jamahiriya supported it in its struggle to maintain national sovereignty and unity.

48. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had referred to acts reported to have occurred in the Jamahiriya that he had described as "persecution of blacks" - acts which were all the more surprising since the Libyan population comprised equal proportions of blacks and whites. Moreover, the policy of the Jamahiriya with regard to blacks proved the contrary: it dealt generously with Africans who came to live in the country; in fact, they were not required to produce identity papers and a medical certificate upon their entry to the territory and they enjoyed the same rights as Libyans (the right to work, property, etc.). Nevertheless, the Government took the necessary measures when Africans, whether Libyan or not, committed criminal acts. If Africans had been expelled from their country, it was not only because they had committed criminal acts, but also because they were being sought by the justice system of their country. Thus, the Libyan Arab Jamahiriya could hardly be accused of adopting a racist attitude towards them when it had expressed the desire, at the Lomé

Summit, to see the creation of a United States of Africa comprising all African States. Her delegation would send a letter to the Special Rapporteur in response to the accusation levelled against her country. She wished to point out that the most dangerous forms of racism often stemmed from the policies of States and the practices followed by those responsible for applying the laws and by those who, in fulfilment of their duties, were called upon to deal with refugees, indigenous people and other population groups.

49. Neither in his report to the General Assembly nor in his report to the Commission on Human Rights had the Special Rapporteur taken up the issue of poverty, which was a source of exclusion and discrimination. The question had, however, been considered by the Commission on Human Rights at its fifty-sixth session. Recently, the World Bank had dealt with that issue in a report entitled "Voices of the Poor", and it had been analysed by numerous national and regional conferences. The poor and the marginalized were deprived of all rights and could not obtain redress for the harm they had suffered. That was particularly the case with hazardous waste deposited in areas where they lived.

50. Furthermore, the Libyan Arab Jamahiriya wished to know whether the resurgence of racist acts mentioned by the Special Rapporteur was genuine or whether it had not been amplified by the media and exacerbated by globalization.

51. **Mr. Moret** (France), speaking on behalf of the European Union, said he wished to pose several questions to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He wished to know whether the Special Rapporteur was participating in the preparatory regional meetings for the World Conference, whether he had attended the preparatory meeting in Strasbourg and what his relations were with the Council of Europe, which was intimately concerned with issues of racism and racial discrimination.

52. Regarding contemporary forms of racism, he wondered whether the Special Rapporteur considered that they were linked with new forms of criminal behaviour, inter-ethnic conflict and economic discrimination. He also wondered what specific proposals the Special Rapporteur intended to put forward with regard to education in the context of the World Conference.

53. **Mr. Fernandez** (Cuba) said he wished to ask the Executive Coordinator for the World Conference whether the dates, names of participants and arrangements for the expert meetings requested by the General Assembly in resolution 54/151 had been determined. All such arrangements should have been made, since the expert meetings had a very clear mandate and the relevant funds had already been earmarked.

54. He noted that the report of the Special Rapporteur on the question of the use of mercenaries (A/55/334) had not been fully translated into Spanish. He also pointed out that all the oral and written testimony which the Special Rapporteur had gathered during his visit to Cuba was available to any States which wished to consult it.

55. With reference to racism, his delegation welcomed the Special Rapporteur's report, which made a valuable contribution to international action to combat racism. It regretted, however, that the reference to the Libyan Arab Jamahiriya made by the Special Rapporteur at the beginning of his statement had only been made orally. The special rapporteurs should obtain in-depth information in advance and should, in particular, consult the Governments in question. His delegation noted, moreover, that the report did not systematically analyse the underlying causes of racism, such as poverty.

56. Lastly, his delegation considered that it would be useful, in the context of the World Conference, for the Special Rapporteur to study the issue of compensation for the harm suffered by present and past victims of racism - briefly touched upon in paragraph 15 of his report - especially with regard to the African countries in the aftermath of the black slave trade.

57. **Mr. Al-Rubaie** (Iraq) asked the Special Rapporteur on contemporary forms of racism what he thought of the recent desecration, by the Israeli general Ariel Sharon, accompanied by a large group of Israeli soldiers, of the Haram al-Sharif, one of the holiest places of Islam. It had provoked violent clashes causing hundreds of deaths and thousands of wounded among the Palestinians. He also wondered what the Special Rapporteur thought of the ban which prevented thousands of Muslims from practising their faith in that holy place.

58. **Ms. Cohen** (Angola) and **Ms. De Wet** (Namibia) noted that, in paragraph 30 of the English version of

the report of the Special Rapporteur on the question of the use of mercenaries, it was stated that armies opposing the current Government of the Democratic Republic of the Congo were supported by troops from Angola and Namibia. The fact was that Angola and Namibia supported the Government.

59. **Mr. Bernales Ballesteros** (Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries) replied that an error must have crept into the English version of paragraph 30 of his report, the original text of which had been drawn up partly in English and partly in Spanish.

60. **Mr. Kuhnel** (Austria) said he fully supported the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and wished to point out that the report of the "three wise men" confirmed that the measures taken by Austria to ensure respect for the rights of minorities, immigrants and refugees entirely conformed to European standards in that field. Moreover, the report concluded that, in general, the policy followed by the Austrian Government since February 2000 to confront racism was above criticism.

61. As to the three racist incidents mentioned in the Special Rapporteur's report, the Austrian Government had reacted immediately and the persons involved had been prosecuted. The Government was aware that many problems remained to be solved and would implement the Special Rapporteur's recommendations. Furthermore, it had already reinforced its procedure for combating xenophobia and had taken measures to strengthen the rights of minorities and to facilitate the integration of foreigners. His delegation was therefore surprised that the Government had not been informed in advance by the Special Rapporteur of the substance of his report regarding Austria. It remained ready to exchange information with the Special Rapporteur.

62. **Mr. Glèlè-Abanhango** (Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), replying to the observations and the questions raised, said that he had not implicated the Government of the Libyan Arab Jamahiriya in the racist acts committed in that country and reported by the press and radio. He was convinced that the Government would take the necessary measures to remedy the situation.

63. With regard to poverty, a source of social inequality, a special rapporteur was expressly entrusted with the study of that question. Moreover, in his previous reports on contemporary forms of racism, he had pointed out that the indigenous people and the descendants of Africans were particularly the victims of poverty. Even within a specific population, certain ethnic groups were the subject of racial discrimination, perhaps because of an unequal development in certain regions of Africa. The political exploitation of ethnicity, a cause of ethnic conflicts, existed not only in Africa but also in the Americas, Europe and elsewhere.

64. With regard to the impact of the media, about which the Libyan delegation had expressed concern, their role was considerable, given that they made it possible to obtain a better understanding of the situation in a specific region and to draw attention to violations of rights, and particularly to manifestations of racism. As to globalization, an expert of the Commission on Human Rights was entrusted with the study of its effects on infringement of the rights of the individual and on the problem of discrimination.

65. Turning to the contribution he was making to preparations for the World Conference, he said he had participated in the work of the first preparatory meeting and had recently attended a meeting of experts in Addis Ababa on the prevention of ethnic conflicts in Africa. He emphasized that ethnocentrism was often a cause of discrimination, and cited the example of societies in the Sahel or central Africa. He regretted he had been unable to participate in the meeting in Strasbourg, but the relevant documentation would be transmitted to him as soon as available. Furthermore, he would be unable to participate in the meeting in Bangkok because of the limited funds allocated to him for travel. He regretted that most countries did not provide him with information on the situation in their territories. As to the proposals put forward by the Council of Europe, he emphasized the importance of education and of enhancing awareness of respect for human rights, and the role played by UNESCO in that regard.

66. Referring to the desecration of the Haram al-Sharif, he noted that the question of religious intolerance would no doubt be dealt with by the special session of the General Assembly.

67. In conclusion, he expressed readiness to have discussions with the Austrian delegation and pointed out that he had not accused the Austrian Government, even though the Freedom Party was one of its partners.

68. **Mr. Doutriaux** (France), speaking on behalf of the European Union and the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, and, in addition, Liechtenstein, said that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would mark an important stage in the fight against racism and racial discrimination, and commended South Africa - which, more than any other, had suffered the worst forms of racial discrimination - for having offered to host the Conference. The European Union, actively engaged in the process leading to the Conference, hoped that it would be the occasion for a powerful general mobilization against racism and racial discrimination, and it called on all Member States to seize the opportunity offered to them in South Africa to concert their efforts so that future generations could live in a more open and a more tolerant world. The Conference would open a new era by leading to tangible measures, especially in prevention, education and protection or in the establishment of effective means of recourse for victims of racism. The programme of action to be adopted at the Conference should make it possible to strengthen the legal framework of the struggle against racism, to guarantee the implementation of policies in that field, to improve information and public awareness and the training of members of the professions concerned with the struggle against racism, and to strengthen international cooperation against that scourge.

69. The European Union attached great importance to the preparations for the Conference, with which countries of all regions and non-governmental organizations should be associated, and eagerly awaited the results of the regional meetings. The Conference entitled "All different, all equal: from principle to practice", which was the European contribution to the World Conference, had been held in Strasbourg from 11 to 13 October 2000 under the aegis of the Council of Europe. It had dealt with the question of racism in the context of human rights, but also comprehensively, stressing European experience and elaborating general conclusions expressing the views

of all the participants, together with a political declaration that had been adopted by the States members of the Council of Europe.

70. The member States had undertaken in Strasbourg to adopt supplementary legal and political measures to prevent and eliminate racism, racial discrimination, xenophobia, anti-Semitism and related intolerance. Action in the field of education and training had also been envisaged. The role of the media as an important means of combating racism had also been highlighted.

71. Whatever the underlying motives, acts of racism and racial discrimination constituted essentially a denial of the right not to be subjected to discrimination and a violation of human rights. They must be condemned and combated by the public authorities, which also had the duty to institute preventive policies. Governments had a special responsibility in the struggle against racism, but their efforts must be bolstered by civil society, and especially by non-governmental organizations.

72. It must be acknowledged that racism and racial discrimination persisted in the world in manifold forms, ranging from discriminatory practices, inequality of access to goods and services and incitement to hate, to acts of violence, inhuman or degrading treatment, persecution and the gravest of crimes. That situation must spur all States to reinforce their machinery in the struggle against the phenomena of racism at the national, regional and international levels. Having for long been engaged in that endeavour, the States members of the European Union had in recent years adapted their national legislation in order to strengthen and enhance their capacity to combat discrimination.

73. In that context, the action of the European Monitoring Centre for Racism and Xenophobia merited attention. Created in April 2000, that institution made an important contribution to awareness of racist acts in Europe and made it possible better to assess their gravity. It had issued its first report on racism and xenophobia in the States members of the European Union in December 1999. At the European level, regional organizations such as the Council of Europe and the Organization for Security and Cooperation in Europe also had a worthy input to the struggle against discrimination.

74. At the world level, the United Nations was at the heart of the fight against racism and racial

discrimination. Among the many international instruments adopted under its auspices, the International Convention on the Elimination of All Forms of Racial Discrimination was of particular importance. The European Union hoped that it would be the subject of universal ratification and that its provisions would be effectively implemented.

75. The European Union commended the work of the Committee on the Elimination of Racial Discrimination and the efforts of the Special Rapporteur on racism. It endorsed the objectives of the Third Decade to Combat Racism and Racial Discrimination and offered its full support to the United Nations High Commissioner for Human Rights for all her actions, as well as in her capacity as coordinator for the Third Decade and as Secretary-General of the forthcoming World Conference.

76. **Mr. Ibrahim** (Nigeria), speaking on behalf of the Group of 77 and China, said that the World Conference would provide the world with a unique opportunity to rededicate itself to the fight against racism and racial discrimination.

77. The success of the World Conference would depend among other things on effective preparations at the various levels. The Group of 77 and China therefore welcomed the regional preparatory meeting held in France under the auspices of the Council of Europe and the other regional meetings planned for Senegal, Chile and the Islamic Republic of Iran. They noted the efforts of the Commission on Human Rights as the focal point in the preparatory process, and called on it to render all available assistance to developing countries for their participation.

78. Racism was an affront to the guiding principle of non-discrimination on the ground of race; it negated the principle embodied in the Universal Declaration of Human Rights, that all human beings were born free and equal in dignity and rights. The horrors of racism - from slavery to the Holocaust to apartheid to ethnic cleansing - had inflicted deep wounds on millions of people around the world. In recent times, acts of racism, xenophobia and intolerance had been a fuelling agent for many conflicts.

79. Recognizing that racism, racial discrimination, xenophobia, intolerance and its various manifestations constituted a threat to international peace and security, the United Nations had over the past decades endeavoured to establish international mechanisms to

combat racism and racial discrimination. The work of the Committee on the Elimination of Racial Discrimination and the initiatives adopted by the two preceding world conferences against racism illustrated the international commitments to the elimination of all discrimination.

80. Despite those efforts, various regions of the world had witnessed manifestations of old race hatreds and the display of new forms of racism. Refugees, minorities, migrant workers, asylum-seekers and indigenous peoples were persistent targets of intolerance. The Group of 77 and China were disturbed by the use of new communications technology, including the Internet, to disseminate and incite racial violence. In that connection, there was a need to focus attention on the misuse of the new technologies for spreading ideas of racial superiority and incitement to racial hatred. It would therefore be necessary to involve communications experts in the preparatory activities before and during the Conference in order to devise strategies to address that new dimension of the problem.

81. The Group of 77 and China reaffirmed their agreement with the objectives of the World Conference, whose continuing relevance and importance had repeatedly been confirmed since their adoption by the General Assembly in 1997. The issue had been one of those at the focus of attention at the recent Millennium Summit, at which world leaders had resolved to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies. The resolve of the international community thus expressed provided an appropriate backdrop to the forthcoming World Conference, which was expected to come up with action-oriented measures at the national, regional and international levels in order to pursue the fight and to help those who suffered racial discrimination.

82. Critical to the fight against racism was the need for a full understanding of the origins and causes of racism in society. Several valuable studies had shed light on the nature of that problem, and the Group of 77 and China called for the active participation of all the actors involved - Governments, international bodies, the academic community and non-governmental organizations. They also hoped that the situation of children and youth as well as a gender-based approach would receive special attention.

throughout the preparatory stage and at the World Conference.

83. While recognizing the obstacles to eliminating racism, the Group of 77 and China were confident that with political will, a concrete action plan would emerge from the World Conference to help humanity in overcoming obstacles to equality and contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

84. **Ms. Martínez** (Ecuador) said that, among the great revolutions witnessed by the twentieth century, the new culture of human rights was perhaps the most important and the most unfinished with respect to changes in human thought. Thus, it was not purely a matter of chance that the United Nations had chosen racism, racial discrimination and xenophobia as the theme for their first world conference of the twenty-first century. It was now more important than ever to find new ways of enabling humanity to live in harmony in the full exercise of fundamental rights, respect and tolerance.

85. It was in that spirit that the Ecuadorian head of State, during the Millennium Summit, had signed the document entitled "Tolerance and Diversity: A Vision for the 21st Century", proposed by the United Nations High Commissioner for Human Rights as Secretary-General of the World Conference. Furthermore, the Ecuadorian Government, which had recently submitted its thirteenth, fourteenth and fifteenth reports to the Committee on the Elimination of Racial Discrimination, reiterated its support for the Committee's work. For its part, the Ecuadorian Government, in addition to its active participation in regional bodies, had created, with an eye to the Conference, a national coordination committee with the principal aim of gathering the views of the various public organizations and bodies, while remaining open to dialogue with the various actors in civil society and non-governmental organizations.

86. On the basis of that joint effort, the Permanent Mission of Ecuador to the United Nations Office at Geneva, in August 2000, had addressed to the High Commissioner for Human Rights a note containing the Government's proposals regarding the points that might be included in the draft declaration and plan of action of the Conference. Furthermore, the draft declaration and plan of action, as well as the questionnaire designed to assess progress achieved in

the struggle against racism, had been submitted for consideration to the national coordination committee.

87. Among the proposals put forward by the Ecuadorian Government, she drew attention to the following points: first, Ecuador supported the work of the High Commissioner for Human Rights and joined in the appeal for the financing by the United Nations of a special programme of technical assistance aimed at supporting the efforts of States which so requested, both in the legislative field and in the context of information and education for combating racial discrimination and xenophobia; secondly, the Government supported the High Commissioner's initiative aimed at creating a database containing information on general and specific legislation adopted by States to combat racial discrimination, as well as on measures taken by States to disseminate the themes chosen for the agenda of the Conference and the recommendations formulated by the Committee on the Elimination of Racial Discrimination; thirdly, the Government requested the President of the Conference and the Chairman of the Commission on Human Rights, together with the High Commissioner for Human Rights, to engage in consultations with international and regional financial institutions with a view to the elaboration of social-development projects for certain particularly vulnerable social groups that were victims of discrimination based on ethnic origin or of xenophobia.

88. In conclusion, her delegation requested Governments able to do so to contribute generously to the Fund for Voluntary Contributions to the World Conference so as to ensure the active participation of all countries and of non-governmental organizations of developing countries.

89. **Mr. Tyrhjell** (Norway) said that racism and racial discrimination were among the most serious violations of human rights. No nation was free from racism, and Norway was no exception; discrimination still occurred in many sectors of society and in everyday life.

90. The goal of Norwegian legislation was to ensure that everybody had equal opportunities, equal rights and an equal duty to participate in society and to make use of their abilities. The responsibility for ensuring equality before the law lay with the authorities and was given high priority. In Norway, as elsewhere, tolerance of diversity and divergence from the norm had been

difficult to accept fully. But efforts to promote tolerance and to fight against racism and discrimination at all levels of society were well underway. A plan of action to combat racism and discrimination of 1998 and a plan of action for human rights of 1999 provided the political framework and direction for the Government's efforts; in addition, a government committee had been appointed to propose new legislation prohibiting ethnic discrimination.

91. Racism, discrimination and exclusion could not be regarded only as a country's internal affair. For decades the United Nations had mobilized the international community against racism, but the results had been disappointing. His Government welcomed the timely decision to hold a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. An interesting and ambitious feature was the action-oriented approach in putting people at the centre of the Conference. From that standpoint, Norway considered that each Member State should cooperate with non-governmental organizations and civil society as key partners during their preparations for the Conference. They should also engage in a dialogue with the victims of discrimination, including minority groups, asylum-seekers, immigrants and indigenous peoples. Nations should grasp that occasion to identify the problems, meet the challenges and strengthen the struggle against racism and discrimination in their own countries. Norway had applied a high degree of transparency to its own preparations for the Conference. It had invited 70 non-governmental organizations and institutions, representing a variety of experience at the grass-roots level, to participate in preparations for the Conference. Similar preparations had been made for the regional preparatory meeting held in Strasbourg from 11 to 13 October 2000. Norway was confident that the other regional meetings would also provide important inputs to the Conference.

92. Discrimination against the Roma and the Sinti was a serious human-rights issue in Europe, and had been a major issue at Strasbourg. Their situation ought to be addressed at the World Conference. Norway was pleased to note that the Sami and other indigenous peoples had been invited to play an important role at the World Conference. Their participation would provide another opportunity to pursue the fruitful dialogue with the United Nations on issues relating to those peoples. Moreover, Norway welcomed the efforts

to focus on children and young people, who had a valuable role to play in creating a future of tolerance.

93. **Ms. Nishimura** (Japan) noted the significance of holding the next World Conference against Racism in South Africa, which had succeeded in abolishing apartheid. The national experiences of South Africa would only benefit the joint endeavour to fight against racism and discrimination. Japan strongly hoped that the World Conference would adopt a declaration and plan of action containing concrete recommendations concerning better means of fighting racism and racial discrimination, which were among the gravest violations of human rights.

94. Under a national action plan adopted in 1997, human-rights education had been promoted in Japan from the elementary school to the university level as well as through adult education. The full texts in Japanese of the International Convention on the Elimination of All Forms of Racial Discrimination and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination had been distributed around the country through local governments, public libraries and non-governmental organizations. Information on the Convention had been disseminated through the press, radio, public lectures and the Internet. Furthermore, the Japanese Government provided financial support to local governments for implementing foreign-student-exchange programmes, as the youth of today would be the driving force in building an international society based on respect for human rights.

95. The Japanese Government expressed its gratitude to the Government of the Islamic Republic of Iran for hosting the regional preparatory meeting for the World Conference in Tehran in February 2001. It hoped that Australia and New Zealand, although not members of the Group of Asian States, would participate as full members of the Economic and Social Commission for Asia and the Pacific, whose financial and technical assistance had been requested.

96. In the light of the fact that the General Assembly, at its fifty-fourth session, had reaffirmed the right of the Palestinian people to self-determination, Japan was gravely concerned over the recent explosion of violence, with the loss of many lives, especially children. Japan welcomed the agreement reached at the Sharm el-Sheikh Summit Meeting aimed at putting an end to the recent clashes. It was ready to extend any

possible assistance to the parties with a view to achieving a negotiated settlement and a just, lasting and comprehensive peace.

97. **Mr. Fadaifard** (Islamic Republic of Iran) said that the fight against racism and its manifestations had been at the heart of the mandate of the international community in general, and of the United Nations in particular since its founding. By adopting the Charter of the United Nations in 1945, the international community had accepted the obligation to pursue the realization of human rights and fundamental freedoms for all, without distinction as to race, sex, language and religion. In December 1946, the United Nations General Assembly had adopted the Universal Declaration of Human Rights, which declared in article 1 that all human beings were born free and equal in dignity and rights. That was also proclaimed in the Cairo Declaration on Human Rights in Islam adopted in August 1990.

98. Despite the adoption of various instruments since 1948, as well as the holding of two world conferences and the efforts made in the space of three decades to combat racism and racial discrimination, those horrors persisted in various forms and manifestations. As the Secretary-General had stated on the occasion of the observance of the International Day for the Elimination of Racial Discrimination, on 21 March 1999, ignorance was a handmaiden of racist propaganda. The forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would provide an opportunity for Governments to take immediate steps to tackle all forms of racism. In particular, the Conference should formulate concrete recommendations to ensure stricter implementation of existing standards. In addition to the five major themes on its agenda, the World Conference should also take up other important issues, especially ways to reduce ethnic tensions and to prevent ethnic and racial conflicts; the economic impact of racism; discrimination against migrant workers; the question of asylum-seekers, refugees and disabled persons; trafficking in human beings; assaults on minorities and vulnerable groups; the rights of indigenous peoples; and the role of the Internet and of communications technologies.

99. It should be noted that the traditional cultures of Asian countries, which had received and absorbed people from various parts of the world over the centuries, were based on tolerance, and their citizens

did not perpetrate racism but rather had often been its victims. Promotion of the values associated with cultural diversity, tolerance and respect for differences was of paramount importance, and in that respect the "dialogue among cultures and civilizations" should be accorded due regard. It was also necessary to devote more resources to education against racism and to activities aimed at raising public awareness of respect for human rights, including recourse to the Internet.

100. The Islamic Republic of Iran, acting as the Chair of the Organization of the Islamic Conference, was concerned at the increasing trend to display prejudice against Islam and Muslims, as noted by a number of Islamic countries at the first session of the Preparatory Committee, and expected the question to be addressed appropriately at the World Conference.

101. Inspired by the divine teachings of Islam and committed to its internationally recognized human-rights obligations, the Islamic Republic of Iran attached great importance to the struggle against racism and racial discrimination. From 19 to 21 February 2001, it would host the preparatory meeting for the Asian region, which was expected to make a significant contribution to the work of the World Conference.

102. **Mr. Ka** (Senegal), speaking on behalf of a number of West African countries (Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, the Gambia, Ghana, Guinea, Mali, Mauritania, the Niger, Nigeria, Senegal, Sierra Leone and Togo), said that the phenomena of racism, far from being in decline, were persisting and expanding in many regions of the world. Their unchanging targets were ethnic or religious communities, migrant workers and members of their families, and refugees. Religious or political intolerance, hatred of foreigners, the cult of ethnic and racial superiority, and discrimination in employment based on race or ethnicity constituted grave threats to societies. At a time when the United Nations was adopting important initiatives to promote dialogue among cultures and civilizations, it was inconceivable that such acts and attitudes should be tolerated.

103. In keeping with General Assembly resolution 54/153 of 17 December 1999, Senegal and the other countries for which he spoke vigorously condemned all forms of racism, racial discrimination, xenophobia and related intolerance, particularly any manifestation of racist violence; all forms of racism and racial

discrimination - including propaganda, activities and organizations - inspired by doctrines proclaiming the superiority of a race or group of persons; and the daily manifestations of racism and xenophobia occurring in Europe, Africa and everywhere else and targeting migrant workers, members of their families, and persons belonging to minorities or vulnerable groups. Furthermore, they attached great importance to the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. They deplored the lack of interest shown in the Third Decade and called for the allocation of more financial and human resources to the activities of the Decade.

104. Senegal and the other countries for which he spoke welcomed the encouraging results of the first session of the Preparatory Committee for the World Conference, and noted with satisfaction that the five themes proposed for inclusion in the agenda for the Conference took into consideration the fundamental concerns of Africa and other regions of the world, namely: causes, forms and contemporary manifestations of racism; victims of racism; measures of prevention, education and protection; provision of recourse and compensatory measures; and international cooperation and enhancement of international mechanisms in combating racism. The countries for which he spoke expressed their regret that the wording of the fourth theme in the provisional agenda for the World Conference did not yet enjoy a consensus in the Preparatory Committee with regard to "compensatory measures", and hoped that consensus would be obtained at its second session, scheduled for May 2001 in Geneva.

105. Senegal and the other countries for which he spoke also attached great importance to national and regional preparations, and called for broad participation on the part of civil society, non-governmental organizations and associations of young people and women in the national and regional preparations as well as in the World Conference itself. They undertook, individually and collectively, to draw up and implement national and regional programmes of information, conscience-raising and education with regard to the Conference. They welcomed the holding of the African regional preparatory meeting in the West African subregion and undertook to do their utmost to ensure that the meeting, to be held from 22 to 24 January 2001, would be a success. Lastly, they wished

once again to pay tribute to the High Commissioner for Human Rights, who would be fulfilling the functions of Secretary-General of the World Conference, and assured her of their unreserved support.

106. **Ms. Barghouti** (Observer for Palestine) noted that racism and racial discrimination continued to be among the most serious violations of human rights.

107. Despite the adoption over the years of various resolutions and instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, and despite the efforts made in the context of the three decades devoted to the struggle against those evils, many people throughout the world still suffered discrimination and denial of their fundamental human rights. The United Nations Secretary-General and the President of the General Assembly at its fifty-fourth session had reaffirmed, on many occasions and in particular on the occasion of the observance of the International Day for the Elimination of Racial Discrimination, 21 March 2000, that racism, racial discrimination, xenophobia and related intolerance were the root causes of most of the conflicts and human-rights violations, and that the international community must shoulder its responsibility in that regard.

108. For many years the Palestinian people had been subjected to the most inhumane forms of oppression and discrimination at the hands of the Israeli military authorities in the Occupied Palestinian Territory, including Jerusalem. The indiscriminate and excessive use of force, which had begun on 28 September 2000, had resulted in the killing of 87 Palestinians and the wounding of more than 3,000 Palestinian civilians, many of them critically. The Israeli Arabs, citizens of Israel, were treated as second-class citizens; more than 12 of them had been killed by Israeli police during recent demonstrations.

109. The World Conference to be held in South Africa in 2001 would give the international community an opportunity to confront the challenge posed by the denial of inherent human rights. The adoption of action-oriented recommendations would be a step towards achieving equality, democracy and tolerance.

110. **Mr. Al-Saidi** (Kuwait) pointed out that Kuwait had set up a commission to study the cases of persons entitled to obtain Kuwaiti nationality if they were able to prove their residence in the country. Thousands of persons had, moreover, already been naturalized and

some 1,000 people had recently obtained Kuwaiti nationality. The Ministry of Labour provided a service aimed at organizing the arrival of migrant workers and ensuring that they were provided with a properly prepared work contract. Foreign workers were not deported unless they committed a violation of the law on employment or when their residence visa expired. He added that the public authorities were in touch with the embassies of countries whose nationals came to work in Kuwait.

Organization of work

111. **The Chairperson** said that the Committee would take action at the afternoon meeting of 19 October on draft resolutions A/C.3/55/L.12 (Traffic in women and girls), A/C.3/55/L.14 (Improvement of the status of women in the United Nations system) and A/C.3/55/L.15 (Convention on the Elimination of All Forms of Discrimination against Women) submitted under item 107. The Committee would then resume consideration of items 112 and 113 and would take up item 118 (Programme planning) so that delegations could express their views concerning programme 13 (International drug control), programme 19 (Human rights), programme 21 (Protection of and assistance to refugees) and other programmes of the proposed medium-term plan for 2002-2005, as suggested by the Chairman of the Fifth Committee in a letter he had sent to the Third Committee (A/C.3/55/6). Their views could also be submitted in writing to the Secretary of the Third Committee, with a deadline of 6 p.m. on 24 October, and would be circulated to all members of the Committee and transmitted to the Fifth Committee.

The meeting rose at 1.10 p.m.